

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MARCELLA SHAER, and MARCELLA
SHAER, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF PETER SHAER,
Plaintiffs,

vs.

RONALD SHAER, and CITIZENS
BANK, N.A.,
Defendants.

C.A. No. 1:20-cv-11333

REMOVED FROM:
SUPERIOR COURT FOR THE
COMMONWEALTH OF
MASSACHUSETTS
MIDDLESEX COUNTY
(State Court C.A. No. 2081CV1057)

NOTICE OF REMOVAL

Defendant Citizens Bank, N.A. (“Citizens”), with the consent of Defendant Ronald Shaer, hereby files this Notice of Removal of this case from the Superior Court of the Commonwealth of Massachusetts, County of Middlesex, to the United States District Court for the District of Massachusetts.

Citizens appears for the purpose of removal only and for no other purpose, reserves all defenses and rights available to it, and states as follows:

1. On or about April 30, 2020, Plaintiffs commenced the case in the Superior Court of the Commonwealth of Massachusetts, County of Middlesex, Civil Action No. 2081CV1057.
2. On or about June 23, 2020, Plaintiffs served a copy of the Summons and Complaint on Citizens. Pursuant to 28 U.S.C. § 1446(a), copies of the Summons and Complaint are attached hereto as Exhibits 1 and 2, respectively.
3. Citizens has not made an appearance in the case and has not served responsive pleadings to the Complaint, and no orders have been issued in the case.
4. In accordance with the requirements of 28 U.S.C. § 1446(b)(1), this Notice of

removal is filed within 30 days of Citizens' receipt, through service or otherwise, of a copy of the Complaint.

5. Plaintiffs Marcella Shaer, individually and as personal representative of the Estate of Peter Shaer, allege that they reside at 150 North Road, Unit 58, Sudbury, Massachusetts 01776. Compl. ¶ 1.

6. Defendant Citizens Bank, N.A. is a national banking association with its main office located at 1 Citizens Plaza, Providence, Rhode Island.

7. For the purpose of diversity jurisdiction, a national banking association is a citizen of only the state in which its main office is located. *Wachovia Bank v. Schmidt*, 546 U.S. 303, 307 (2006). Thus, for the purpose of determining diversity jurisdiction, Citizens Bank, N.A. is a citizen of the State of Rhode Island and is not a citizen of the Commonwealth of Massachusetts.

8. Defendant Ronald Shaer is a natural person who resides in the State of New Jersey.

9. Plaintiffs' Complaint seeks over \$150,000 in compensatory damages. *See, e.g.*, Compl. ¶ 51.

10. Accordingly, this case is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441, in that the parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

11. Pursuant to 28 U.S.C. § 1446(b)(2)(A), Defendant Ronald Shaer consents to the removal of this action.

12. Pursuant to 28 U.S.C. § 1446(d), Citizens promptly will file a copy of this Notice

of Removal with the Clerk of the Superior Court of the Commonwealth of Massachusetts, Middlesex County, and will serve a copy of the same on counsel for Plaintiffs.

13. Pursuant to Local Rules 5.4(f) and 81.1(a), within 28 days after filing this notice of removal, Citizens will file with this Court certified or attested copies of all records and proceedings in the state court and a certified or attested copy of all docket entries in the state court.

WHEREFORE, Citizens respectfully removes the case now pending in the Superior Court of the Commonwealth of Massachusetts, County of Middlesex, Civil Action No. 2081CV1057, to the United States District Court for the District of Massachusetts.

Dated: July 15, 2020

Defendant,
CITIZENS BANK, N.A.,
By its attorneys,

/s/ Brenna A. Force
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 2020, a copy of the foregoing Notice was sent via first class mail to the following:

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/s/ Brenna A. Force